



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,

Plaintiff,

- against -

DARIUS DALE, et al.

Defendants.
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21-CV-3687 (ALC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the discovery dispute raised by Defendants at Dkt. 445 (see also Plaintiff's response at Dkt. 447).

1. By January 16, 2023, Plaintiff must identify by Bates number the documents it has produced that are responsive to RFP 55.

2. By January 16, 2023, Plaintiff must produce and identify by Bates number all documents (including those previously produced) responsive to RFP 56 located after a reasonable search.

3. Defendants' request to compel Plaintiff to produce documents responsive to RFP 60 is denied except for the following. Plaintiff must produce documents responsive to RFP 60 (1) for any customer or prospective customer that Plaintiff contends reduced or withdrew their business with, or declined to do business with, Plaintiff due to Defendants' conduct; or (2) that mention or otherwise refer to any of the Defendants. Beyond that, the request seeks documents of no relevance to actionable claims in dispute, or, of minimal relevance such that the request is not proportional to the needs of the litigation considering the circumstances.

The Clerk of Court is respectfully requested to terminate the motion at Dkt. 445.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: January 12, 2023
New York, New York

Copies transmitted this date to all counsel of record.